

EXHIBIT B

Kimberly Kenton, M.D.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

IN RE: ETHICON, INC.,)
PELVIC REPAIR SYSTEM)
PRODUCTS LIABILITY) Master File No.
LITIGATION) 2:12-MD-02327
) MDL 2327
)
)
) JOSEPH R. GOODWIN
) U.S. DISTRICT JUDGE
THIS DOCUMENT RELATES TO:)
THE CASES LISTED BELOW)
)
)
Mullins, et al. v.) 2:12-cv-02952
Ethicon, Inc., et al.)
)
Sprout, et al. v.) 2:12-cv-07924
Ethicon, Inc., et al.)
)
Iquinto v. Ethicon, Inc.,) 2:12-cv-09765
et al.)
)
Daniel, et al. v.) 2:13-cv-02565
Ethicon, Inc., et al.)
)
Dillon, et al. v.) 2:13-cv-02919
Ethicon, Inc., et al.)
)
Webb, et al. v. Ethicon,) 2:13-cv-04517
Inc., et al.)
)
Martinez v. Ethicon,) 2:13-cv-04730
Inc., et al.)
)
McIntyre, et al. v.) 2:13-cv-07283
Ethicon, Inc., et al.)

CONTINUED VIDEOTAPED DEPOSITION OF KIMBERLY KENTON, M.D.
Friday, February 19, 2016, 8:10 a.m.

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1	Oxley v. Ethicon, Inc., et al.) 2:13-cv-10150	1
2)	2
3	Atkins, et al. V. Ethicon, Inc., et al.) 2:13-cv-11022	3
4)	4
5	Garcia v. Ethicon, Inc., et al.) 2:13-cv-14355	The resumption of the videotaped deposition
6)	of KIMBERLY KENTON, M.D., called by the Plaintiffs
7	Lowe v. Ethicon, Inc., et al.) 2:13-cv-14718	for examination, taken pursuant to the Federal
8)	Rules of Civil Procedure of the United States
9	Dameron, et al. V. Ethicon, Inc., et al.) 2:13-cv-14799	District Courts pertaining to the taking of
10)	depositions, taken before CORINNE T. MARUT, C.S.R.
11	Mullens, et al. V. Ethicon, Inc., et al.) 2:13-cv-16564	No. 84-1968, Registered Professional Reporter and a
12)	Certified Shorthand Reporter of the State of
13	Shears, et al. V. Ethicon, Inc., et al.) 2:13-cv-17012	Illinois, at the offices of Drinker Biddle & Reath
14)	LLP, Suite 3700, 191 North Wacker Drive, Chicago,
15	Javins, et al. v. Ethicon, Inc., et al.) 2:13-cv-18479	Illinois, on February 19, 2016, commencing at 8:10
16	Barr, et al. V. Ethicon, Inc., et al.) 2:13-cv-22606	a.m.
17)	16
18	Lambert v. Ethicon, Inc., et al.) 2:13-cv-24393	17
19)	18
20	Cook v. Ethicon, Inc., et al.) 2:13-cv-29260	19
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22	Stevens v. Ethicon, Inc., et al.) 2:13-cv-29918	21
23)	22
24	Harmon v. Ethicon, Inc., et al.) 2:13-cv-31818	23
	CONTINUED VIDEO TAPE DEPOSITION OF KIMBERLY KENTON, M.D.	24
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1	Snodgrass v. Ethicon, Inc., et al.) 2:13-cv-31881	1 APPEARANCES:
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3	Miller v. Ethicon, et al.) 2:13-cv-32627	3 MOTLEY RICE LLC
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7	Jones, et al. V. Ethicon, Inc., et al.) 2:14-cv-09517	5 BY: FIDELMA L. FITZPATRICK, ESQ.
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11	Gillum, et al. V. Ethicon, Inc., et al.) 2:14-cv-12756	8 Mt. Pleasant, South Carolina 29464
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17	Schepleng v. Ethicon, Inc., et al.) 2:14-cv-16061	12 Kansas City, Missouri 64112
18)	816-701-1100
19	Tyler, et al. V. Ethicon, Inc., et al.) 2:14-cv-19110	13 BY: JEFFREY M. KUNTZ, ESQ.
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23	Lundell v. Ethicon, Inc., et al.) 2:14-cv-24911	16 500 Office Center Drive, Suite 400
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	Cheshire, et al. V. Ethicon, Inc., et al.) 2:14-cv-24999	17 267-513-1885
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	Burgoyne, et al. V. Ethicon, Inc., et al.) 2:14-cv-28620	18 Burt.Snell@butlersnow.com
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	Bennett, et al. V. Ethicon, Inc., et al.) 2:14-cv-29624	20 1020 Highland Colony Parkway, Suite 1400
)	21 Ridgeland, Mississippi 39157
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		23 VIDEO TAPE BY: MILO SAVICH
		24 REPORTED BY: CORINNE T. MARUT, C.S.R. No. 84-1968

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<p>1 A. It's easier for me to --</p> <p>2 Q. That's fine.</p> <p>3 A. Oddly, I don't have it in the right</p> <p>4 file.</p> <p>5 I can pull it out of here. So much for</p> <p>6 my filing system.</p> <p>7 I will see if I can pull it up.</p> <p>8 THE WITNESS: Can we connect to the Internet</p> <p>9 here?</p> <p>10 MR. SNELL: Yeah. It's DBR WiFi.</p> <p>11 THE WITNESS: Might just be faster to PubMed</p> <p>12 it.</p> <p>13 MS. FITZPATRICK: It's why they call it the</p> <p>14 Windy City I guess. The windows shake.</p> <p>15 (WHEREUPON, discussion was had off</p> <p>16 the record.)</p> <p>17 THE WITNESS: I apologize for not being able</p> <p>18 to put my hand on this.</p> <p>19 BY MS. FITZPATRICK:</p> <p>20 Q. That's okay. If you don't have it, we</p> <p>21 can move on.</p> <p>22 A. Yeah. Like I can find it for you at</p> <p>23 some point, but I -- it's in this pile somewhere.</p> <p>24 Q. Okay. That's fine.</p>	<p>1 Q. So, we can -- we can move on.</p> <p>2 Of the RCTs that you have looked at for</p> <p>3 mechanically-cut TVT, how many of those had a</p> <p>4 primary endpoint of safety?</p> <p>5 A. In general, you're never going to have a</p> <p>6 primary endpoint of safety for doing a randomized</p> <p>7 controlled trial in something that has a rare</p> <p>8 outcome because you would have to enroll</p> <p>9 millions -- like thousands of women. So, usually</p> <p>10 you have to -- you primary on an efficacy outcome.</p> <p>11 Q. Okay. So, you're not --</p> <p>12 A. Unless something is a common</p> <p>13 complication, and then who would -- had high</p> <p>14 complication rates and then who would be doing an</p> <p>15 RCT? It would be unethical.</p> <p>16 Q. Okay. So, none of them have a primary</p> <p>17 endpoint of safety for the reasons that you have</p> <p>18 just discussed, is that right?</p> <p>19 A. You -- it's not a feasible trial design.</p> <p>20 You have to use a different type of study to</p> <p>21 evaluate that. That's where systematic reviews and</p> <p>22 meta-analyses become powerful.</p> <p>23 THE VIDEOGRAPHER: Excuse me, Doctor, if</p> <p>24 you're not using the laptop, could you move it</p>
<p style="text-align: center;">Page 228</p> <p>1 So, it's your recollection that there is</p> <p>2 one RCT that compares the laser-cut TVT Retropubic</p> <p>3 to the mechanically-cut TVT Retropubic?</p> <p>4 A. I think it's an RCT. Like I said, I</p> <p>5 can't recall the paper --</p> <p>6 Q. Okay.</p> <p>7 A. -- specifically, but I -- there is -- I</p> <p>8 came across one comparator that I can remember.</p> <p>9 Q. Okay. And I think you said that you</p> <p>10 believe that that was an underpowered study where</p> <p>11 they couldn't confirm their conclusions --</p> <p>12 A. Yes.</p> <p>13 Q. -- is that right?</p> <p>14 A. I would -- I would rather than perhaps</p> <p>15 inaccurately cite the paper, I'd rather find the</p> <p>16 paper.</p> <p>17 Q. Okay.</p> <p>18 A. I didn't -- I didn't feel that it made a</p> <p>19 cogent argument that compelled me to lean one way</p> <p>20 or the other.</p> <p>21 Q. Okay. Why don't maybe at a break we can</p> <p>22 take a look for that. But I know that you have a</p> <p>23 time limitation today.</p> <p>24 A. Yeah.</p>	<p style="text-align: center;">Page 230</p> <p>1 away. That's fine. Thank you.</p> <p>2 BY MS. FITZPATRICK:</p> <p>3 Q. Now, Doctor, you offered an opinion</p> <p>4 yesterday that you believed that the laser-cut</p> <p>5 TVT Retropubic performed the same as the</p> <p>6 mechanically-cut TVT Retropubic. Do you recall</p> <p>7 that?</p> <p>8 A. I do.</p> <p>9 Q. And is that an opinion that you hold</p> <p>10 today?</p> <p>11 A. It is.</p> <p>12 Q. Is that based on any data that is</p> <p>13 available in the literature to support that</p> <p>14 opinion?</p> <p>15 A. The only small study that I recall</p> <p>16 coming across didn't -- wasn't compelling to</p> <p>17 support one versus the other.</p> <p>18 Q. So, what is the basis for your --</p> <p>19 A. And my clinical experience has not been</p> <p>20 that there's a difference.</p> <p>21 Q. I'm --</p> <p>22 A. My clinical experience hasn't been that</p> <p>23 there is a difference as well.</p> <p>24 Q. And your clinical experience, that would</p>

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<p>1 be the anecdotal experience that we had talked 2 about yesterday and this morning, correct? 3 A. That would be -- 4 MR. SNELL: Objection. 5 BY THE WITNESS: 6 A. That would be every surgeon who is 7 giving their overall clinical experience. I would 8 say in general my experiences are probably slightly 9 less anecdotal because I do report outcomes. 10 BY MS. FITZPATRICK: 11 Q. Have you reported outcomes comparing the 12 laser-cut to the mechanically-cut? 13 A. As I've said, I'm only familiar with one 14 paper in the literature that directly compares 15 those two, for that purpose. 16 Q. Okay. I understand that, but you said 17 that you believe your experiences are probably 18 slightly less anecdotal because you do report 19 outcomes, correct? 20 So, what I am asking is have you 21 reported outcomes that compare the TVT 22 mechanically-cut versus the TVT laser-cut? 23 A. I have not. 24 Q. Okay. And you don't track that actually</p>	<p>1 I came -- I transferred institutions and we are 2 using exclusively laser-cut. 3 Q. Okay. But I have a slightly different 4 question than that. 5 A. Okay. 6 Q. Post-2006 how did you know whether you 7 were implanting a mechanically-cut or a laser-cut 8 into women? 9 A. That's a fair point. 10 Q. So, at your prior -- so, before 11 laser-cut hit the market, you know that you 12 implanted only mechanically-cut, correct? 13 A. That's correct. 14 Q. You didn't start to implant the TVT 15 until the mid-2000s, correct? 16 A. Right. So, the only way I would know 17 which one I was using is to go back and pull the 18 records. 19 Q. Okay. Which you haven't done? 20 A. I have not done. 21 Q. Okay. Have you -- do you know who 22 Dr. Nilsson is? 23 A. Nilsson that has published the papers? 24 Q. Yes.</p>
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<p>1 in either your academic work or in your clinical 2 work, correct? 3 A. No, actually, we actually do track our 4 outcomes. 5 Q. Okay. Do you track your outcomes in 6 your clinical work? 7 A. I do. As I said, we see our patients 8 back yearly. 9 Q. Okay. I'm asking you something a little 10 different. 11 Do you track outcomes for patients 12 looking at mechanically-cut versus laser-cut? 13 A. Well, if you tracked -- the only way you 14 can track that type of an outcome is if you're 15 going to retrospectively look at the patients 16 who've had implanted, and we do -- we do keep those 17 data and we see people back yearly. 18 Q. Okay. You keep the data on who's had a 19 mechanically-cut versus who's had a laser-cut, is 20 that right? 21 A. Well, for me it's been rather simple 22 because I practice at one institution and everyone 23 got a mechanically-cut TVT because that was the 24 device that I was using. And then I came here and</p>	<p>1 A. I don't know him personally. 2 Q. Do you know who he is? 3 A. I know his work. 4 Q. Okay. Do you consider that work to be 5 reliable? 6 A. I think that for the -- yes. I mean, 7 it's observational cohort data, so it's not as good 8 as RCT data. But you're never going to be able to 9 do a randomized controlled trial and follow women 10 for 10 or 20 years because no one is going to pay 11 for it. 12 And as the SISTER trial showed, women 13 that are happy and incontinent tend to not enroll 14 in long-term follow-up. 15 Q. So, Doctor -- but you are familiar with 16 Dr. Nilsson's work, is that right? 17 A. I am. 18 Q. Are you familiar with any of 19 Dr. Nielsen's opinions about the differences, if 20 any, between laser-cut and mechanically-cut mesh? 21 A. No. 22 Q. Has anyone from Ethicon ever shared that 23 information with you? 24 A. If they have, I don't recall it.</p>

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<p>1 Surgery" that was published in 2015. 2 Have you seen this article before? 3 A. I've seen it. 4 Q. Have you read it? 5 A. I have not. 6 Q. Okay. And are you familiar with any of 7 the authors? 8 A. I know Dr. Blaivas. 9 Q. Is there anyone else here that you know? 10 A. No. 11 Q. How do you know Dr. Blaivas? 12 A. He used to be the editor for one of our 13 journals. I've taught in a course with him before. 14 Q. Now, you've offered opinions here on 15 safety issues concerning the TVT sling, correct? 16 A. Correct. 17 Q. Why haven't you read this article? 18 A. This is essentially a book chapter that 19 is just one, a group of people reviewing it and not 20 in a systematic format and formulating their 21 opinions. 22 Q. Okay. 23 A. I think that maybe ten years ago when I 24 was a fellow I would have read something like this.</p>	<p>1 starting on page 22. 2 And you'll see that he has cited a total 3 of 397 papers in conjunction with his observations 4 on midurethral slings. Do you see that? 5 MR. SNELL: Same objections. 6 BY THE WITNESS: 7 A. Yes. 8 BY MS. FITZPATRICK: 9 Q. Okay. And if you can take a quick look 10 through this, since you haven't done that before, 11 to just tell me if you've seen many of these papers 12 that he has cited before in connection with your 13 work. 14 A. I mean, I've seen -- I've seen some of 15 the papers, yes. 16 Q. Okay. And do you consider them to be 17 reliable and authoritative papers? 18 A. I think some of the data are reliable 19 and authoritative. I think others are nothing 20 level than retrospective case series that probably 21 wouldn't even be published in high-quality journals 22 right now. 23 Q. Okay. Tell me which ones you believe 24 are nothing less than retrospective case studies</p>
<p>1 This isn't how I base my opinions anymore. 2 Q. Okay. Well, let's go through some of 3 this because I want to see how much of it that you 4 agree with. 5 And Dr. Blaivas, when going through 6 this, has looked at safety and risk/benefit 7 considerations in conjunction with the use of 8 polypropylene midurethral slings and has identified 9 specific complications that may be associated with 10 polypropylene slings. 11 Do you understand that? 12 If you take a look at this article, 13 let's start with on page 7 with "Infection." 14 MR. SNELL: I'm going to object to the 15 predicate as to what he did. Lacks foundation. Go 16 ahead. 17 BY MS. FITZPATRICK: 18 Q. And do you see that Dr. Blaivas has 19 cited a number of references in connection with his 20 opinions or his observations on infections 21 associated with polypropylene slings? 22 A. I see that he's stated and listed some 23 papers, yes. 24 Q. Okay. And let's look at the back,</p>	<p>1 that wouldn't be published in high-quality journals 2 right now. 3 A. "A primary sling for everyone with 4 genuine stress incontinence." 5 So, anything that predates the 6 Ward-Hilton trial, that was the first randomized 7 controlled trial that came out comparing -- 8 adequately powered multi-center randomized 9 controlled trial comparing any -- comparing any 10 slings. So, I think that prior to that, these data 11 were what they were, but that's what -- the kind of 12 research where people were doing. 13 I am happy and proud to say as part of 14 the research community in pelvic floor disorders 15 that the level of our research and outcome data has 16 improved. 17 Q. Okay. So, but take a look at No. 4. 18 No. 4 predates the Ward-Hilton study, correct? 19 A. The Chaikin article? 20 Q. Yes. 21 A. Yes. 22 Q. But it deals with pubovaginal fascial 23 slings, correct? 24 A. Yep.</p>

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<p>1 BY THE WITNESS:</p> <p>2 A. Yeah, I disagree with that but...</p> <p>3 BY MS. FITZPATRICK:</p> <p>4 Q. You can. You can comment on the quality 5 of the literature even though you haven't looked at 6 this, you haven't read it and you don't know what's 7 in these footnotes?</p> <p>8 A. We just spent probably 15 minutes going 9 through some of the paper -- some of the --</p> <p>10 Q. We went through two --</p> <p>11 A. Read the paper.</p> <p>12 Q. We went through two of 397.</p> <p>13 A. No, we went through the -- read several 14 paragraphs of how he came upon those conclusions.</p> <p>15 Q. I'm talking about the data that's in the 16 390 -- you've never -- let's do it this way. 17 Turn to page 22 of Dr. Blaivas'.</p> <p>18 A. I'm not going to go --</p> <p>19 Q. You've never read this page before, have 20 you?</p> <p>21 A. I'm not going to go through --</p> <p>22 Q. Have you ever read this page before, 23 Doctor?</p> <p>24 A. The references, his references?</p>	<p>1 familiar with many of these papers. I can 2 eyeball --</p> <p>3 Q. You don't know what he cites?</p> <p>4 MR. SNELL: Don't interrupt. She is answering 5 your question.</p> <p>6 BY THE WITNESS:</p> <p>7 A. And I can eyeball many of these studies 8 and know that I have seen them in the past, 9 probably 15 years ago. I would have actually read 10 some of them. And they are like antiquated and 11 not -- they have been replaced by higher quality 12 data.</p> <p>13 BY MS. FITZPATRICK:</p> <p>14 Q. Okay. Is there any high-quality data 15 that's referenced in Dr. Blaivas' 397 footnotes?</p> <p>16 A. Sure. There is the -- there is a 17 reference for -- I just saw it. The -- one of -- 18 the TOMUS 24-month outcome paper is referenced 19 there.</p> <p>20 Q. What's missing from this that you 21 consider to be high-quality data that Dr. Blaivas 22 should have relied on?</p> <p>23 A. I think that it's --</p> <p>24 Q. What data is missing from here?</p>
<p style="text-align: center;">Page 284</p> <p>1 Q. Yes.</p> <p>2 A. I have not read that particular page of 3 his references.</p> <p>4 Q. Have you read page 23? Have you read 5 that reference?</p> <p>6 A. Actually we did look at page 22.</p> <p>7 Q. Have you read this whole page, Doctor?</p> <p>8 A. I have skimmed that page.</p> <p>9 Q. Have you read this page?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what these 51 articles are?</p> <p>12 A. I don't know all of them. I know a 13 great deal of them.</p> <p>14 Q. Doctor, you never looked at it before 15 you sat down.</p> <p>16 MR. SNELL: Objection; form.</p> <p>17 BY MS. FITZPATRICK:</p> <p>18 Q. You've never looked at this. You have 19 never looked at this paper and yet you are going to 20 tell a jury here that you've read through these 51 21 and you know enough of what these are and are not?</p> <p>22 A. I do. I -- as I've indicated earlier in 23 my testimony, I spent a great deal of time going 24 through the peer-reviewed literature. I am</p>	<p style="text-align: center;">Page 286</p> <p>1 A. I can't tell go through here and tell 2 you what's missing, but I can --</p> <p>3 Q. That's because you haven't read it, 4 right?</p> <p>5 A. I can tell you what's included. There's 6 reasons that many of these papers aren't included 7 in a systematic review, which we have established 8 is -- or meta-analyses, is the highest level of 9 evidence we have.</p> <p>10 Q. So, your complaint with Dr. Blaivas' 11 paper is that he cites -- he provides too much 12 information, he cites too many papers?</p> <p>13 A. He provides --</p> <p>14 Q. Not that he hasn't cited relevant ones.</p> <p>15 Correct?</p> <p>16 MR. SNELL: Form.</p> <p>17 BY THE WITNESS:</p> <p>18 A. Well, I think you can by -- I think he 19 cites relevant and irrelevant and doesn't 20 effectively weight them appropriately.</p> <p>21 BY MS. FITZPATRICK:</p> <p>22 Q. Can I ask you, how do you know that if 23 you haven't read the paper?</p> <p>24 A. Because that is what a review article</p>